

REMARKS

Claims 1-101 have been amended in order to correct various grammatical or typographical errors and claim dependency. The amendments are fully supported by the specification and original claims and do not contain new matter. The Applicants expressly rebut any presumption that the Applicants have surrendered any equivalents under the doctrine of equivalents and expressly state that the claims, as amended, are intended to include and encompass the full scope of any equivalents as if the claims had been originally filed and not amended.

I. Claim Rejections Under 35 USC § 11 2

Claim 78 was rejected under 35 USC § 112, second paragraph, as being indefinite because (according to the Examiner) the compound is either misnamed or improperly dependent on claim 77. In response, the Applicants have amended claim 78 to depend on claim 1 in accordance with the Examiner's suggestion. Thus, the Applicants respectfully request that the rejection of claim 78 be withdrawn.

Claim 34 was rejected under 35 USC § 112, second paragraph, as being indefinite because (according to the Examiner) the compound is either misnamed or improperly dependent on claim 33. In response, the Applicants have amended claim 34 to depend on claim 1 in accordance with the Examiner's suggestion. Thus, the Applicants respectfully request that the rejection of claim 34 be withdrawn.

Claim 49 was rejected under 35 USC § 112, second paragraph, as being indefinite because (according to the Examiner) the compound is either misnamed or improperly dependent on claim 48. In response, the Applicants have amended claim 49 to depend on claim 1 in accordance with the Examiner's suggestion. Thus, the Applicants respectfully request that the rejection of claim 49 be withdrawn.

Claim 57 was rejected under 35 USC § 112, second paragraph, as being indefinite because (according to the Examiner) the compound is either misnamed or improperly dependent on claim 56. In response, the Applicants have amended claim 57 to depend on claim 1 in accordance with the Examiner's suggestion. Thus, the Applicants respectfully request that the rejection of claim 57 be withdrawn.

Claim 20 was rejected under 35 USC § 112, second paragraph, as being indefinite because (according to the Examiner) the second species in claim 20 is either misnamed or improperly dependent on claim 1 or 19. In addition, the Examiner states that the second species in claim 20 is not enabled by the specification because it falls outside Formula I, to which utility is attached. In response, the Applicants have amended claim 20 to be independent rendering the rejection moot. Regardless of whether the second species of claim 20 falls within the genus of claim 1, it is clearly supported by Example 85 on pages 106-107 and therefore is "a compound of the present invention." In addition, the compound of Example 85 clearly has utility based on the "inhibitory effect of the compounds of the present invention on PEPCK enzymatic activity." See pages 27-28 of the specification. See also Table 1 on pages 112-113 showing the IC₅₀ value of a structurally similar compound (Example 19). Thus, the Applicants respectfully request that the rejection of claim 20 be withdrawn.

Claim 97 was rejected under 35 USC § 112, second paragraph, as being indefinite because (according to the Examiner) the name of the compound is defective. In response, the Applicants have amended the name to include a primed N (N') and have made the claim independent rendering the rejection moot. The correction of this typographical error in the name does not constitute new matter since the compound in claim 97 is clearly supported by the structural formula shown in Example 17 (page 56) and Table 1 on page 112 showing its IC₅₀ value. Thus, the Applicants respectfully request that the rejection of claim 97 be withdrawn.

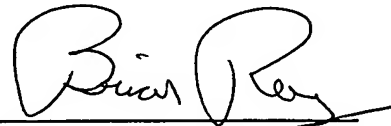
II. Objection To The Abstract

The Examiner has objected to the abstract as too vague. In response the Applicants have amended the abstract to include a definition of R3 in accordance with the Examiner's suggestion. Accordingly, the Applicants respectfully request that this objection be withdrawn.

Conclusion

Entry of the foregoing remarks is respectfully requested. No fee is believed to be due in connection with the filing of this Reply other than the fee for the Petition For Extension of Time. However, if any other fee is deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



Attorney for Applicant(s)
Brian C. Remy
(Reg. No. 48176)
340 Kingsland Street
Nutley, NJ 07110
Telephone (973) 235-6516
Telefax: (973) 235-2363

222146